

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEONARD DORANCE OSTRANDER,

Plaintiff,

Case No. 23-cv-10803

Honorable Linda V. Parker

v.

R. SMITH and JOHN DOE,

Defendants.

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**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S JUNE 18,  
2024 REPORT AND RECOMMENDATION (ECF NO. 39), DENYING  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (ECF NO. 34),  
AND DISMISSING PLAINTIFF'S OFFICIAL CAPACITY CLAIMS  
AGAINST DEFENDANT R. SMITH**

Plaintiff commenced this lawsuit against Defendants on May 7, 2023. On February 21, 2024, Plaintiff filed a motion for summary judgment. (ECF No. 34.) The matter has been assigned to Magistrate Judge Curtis Ivy, Jr. for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 15.)

On June 18, 2024, Magistrate Judge Ivy issued a report and recommendation ("R&R") recommending that the Court deny Plaintiff's motion. (ECF No. 39.) At the conclusion of the R&R, Magistrate Judge Ivy advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them.

(*Id.* at PageID. 268.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*)

Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Ivy. The Court therefore adopts the R&R.

Accordingly,

**IT IS ORDERED** that Plaintiff’s motion for summary judgment (ECF No. 34) is **DENIED** and Plaintiff’s official capacity claims against Defendant R. Smith are **DISMISSED**.

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: July 8, 2024

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, July 8, 2024, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan  
Case Manager